

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRENT ARTHUR WILSON,

Plaintiff,

v.

LAUREN ERICKSON et al.,

Defendant.

CASE NO. 3:24-cv-05069-DGE

ORDER ADOPTING REPORT AND
RECOMMENDATION (DKT. NO.
9)

This matter comes before the Court on the Report and Recommendation of the Honorable David W. Christel, United States Magistrate Judge. (Dkt. No. 9.) Judge Christel reviewed Plaintiff Brent Arthur Wilson's pending application to proceed *in forma pauperis* ("IFP") and proposed complaint, finding the complaint to be deficient. (Dkt. No. 5.) Judge Christel notified Wilson of the deficiencies and granted him until May 15, 2024 to cure those deficiencies. (Dkt. Nos. 6, 7.) Wilson filed a response to the order. (Dkt. No. 8.) Judge Christel determined that response did not cure the deficiencies in the complaint and issued a Report and Recommendation recommending this Court dismiss the complaint for failure to state a claim and deny the IFP

1 application as moot. (Dkt. No. 9.) Wilson timely filed objections to the Report and
2 Recommendation. (Dkt. No. 10.)


3 A district judge must determine *de novo* any part of the magistrate judge's disposition to
4 which a party has properly objected. The district judge may accept, reject, or modify the
5 recommended disposition; receive further evidence; or return the matter to the magistrate judge
6 with instructions. Fed. R. Civ. P. 72(b)(3). Nevertheless, objections to a magistrate judge's
7 report and recommendation are not an appropriate vehicle to rehash or re-litigate the points
8 considered and resolved by the magistrate judge. *See, e.g., El Papel LLC v. Inslee*, 2021 WL
9 71678, at *2 (W.D. Wash. Jan. 8, 2021) ("Because the Court finds that nearly all objections are
10 merely a rehash of arguments already raised and decided upon by the Magistrate Judge, the
11 Court will not address each objection here."); *Aslanyan v. Herzog*, 2014 WL 7272437, at *1
12 (W.D. Wash. Dec. 17, 2014) (rejecting a challenge to a magistrate judge's report and
13 recommendations when "all of [plaintiff's] objections simply rehash arguments contained in his
14 amended opening memorandum or in his reply memorandum").

15 Wilson objects to Judge Christel's finding regarding Wilson's IFP deficiency, directing
16 this Court to consider his response dated April 22, 2024. (Dkt. No. 10 at 1.) In that response,
17 Wilson appears to instruct the court to strike the IFP application as moot and furnish to Plaintiff
18 a "'dividend statement' supported under the Banking Act of 1933 and said IRSC compliance."
19 (Dkt. No. 8 at 3.) Plaintiff argues the complaint should proceed not *in forma pauperis*, but "In
20 Internal Revenues Serv. Compliance[.]" appearing to suggest the Court collect the filing fee from
21 one of Plaintiff's investments or some other government body or financial institution. (*Id.* at 5.)
22 It is the responsibility of Plaintiff, not the Court, to procure the filing fee if his IFP application is
23 denied or otherwise withdrawn. *See* LCR 3(b), (c). Wilson's objection is OVERRULED.

1 Wilson's objections contain no other challenges to Judge Christel's findings regarding
2 the remaining defects in his complaint. (Dkt. No. 10.) Wilson requests the Court set the
3 deadline for the filing of an amended complaint to June 15, 2024. (Dkt. No. 8 at 5.) But with no
4 filing fee paid, and no approved application for IFP, Wilson's case cannot continue. Moreover,
5 Plaintiff's objections fail to identify the factual or legal basis Plaintiff offers to cure the
6 deficiencies in the original proposed complaint as identified by Judge Christel.

7 Accordingly, and having considered the Report and Recommendation, Plaintiff's
8 objections, and the remainder of the record *de novo*, the Court finds and ORDERS that the
9 Report and Recommendation is ADOPTED. Plaintiff's objections are OVERRULED and his
10 complaint is DISMISSED with prejudice.

11 DATED this 10th day of June 2024.

12 
13 _____
14 David G. Estudillo
15 United States District Judge
16
17
18
19
20
21
22
23
24